IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1246 of 2000

Hon'ble MR.JUSTICE Y.B.BHATT

and

Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GUJ.STATE ROAD TRANSPORT CORP

Versus

MANUBHAI GORDHANBHAI PADHIYAR

Appearance:

MR ASHISH H SHAH for Appellant

MR MTM HAKIM for Respondent No. 1

RULE SERVED for Respondent No. 2

CORAM : MR.JUSTICE Y.B.BHATT

and

MR.JUSTICE H.H.MEHTA

Date of decision: 07/11/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE Y.B.BHATT)

1. This is an appeal under section 173 of the Motor Vehicles Act, 1988, by the Gujarat State Road Transport Corporation being the owner of the vehicle which was involved in the accident, challenging the judgement and award of the Motor Accident Claims Tribunal at Vadodara in Motor Accident Claim Petition No.401/92.

2. On a joint request of learned counsel this appeal is taken up for hearing today.

3. As a result of the hearing and discussion, a consensus has been arrived at between the learned counsel, after due instruction from the respective clients, on the basis of which we hold and direct that the impugned award is modified, and the claimant is found to be entitled to an award in the sum of Rs.2,40,000/(Rupees two lacs forty thousand only) with running interest at the rate of 12% per annum from the date of the application till realisation, with proportionate costs.

4. This appeal is, therefore, partly allowed to the aforesaid extent with no order as to costs. Decree accordingly.

5. Direct service is permitted.

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